

# Exhibit C

**From:** [Taylor, Dustin](#)  
**To:** [Schultz, Allison](#); [Telscher, Rudy](#); [Fussner, Kara](#); [Stauss, David](#); [Hauer, Ryan](#); [karl@krinternetlaw.com](mailto:karl@krinternetlaw.com); [jeff@krinternetlaw.com](mailto:jeff@krinternetlaw.com)  
**Cc:** [HB - BrandTotal](#); [Mehta, Sonal](#); [Holtzblatt, Ari](#); [O'Laughlin, Andy](#); [Burrell, Robin C.](#); [Tillotson, Nancy](#); [Mortimer, Ann Marie](#); [Kim, Jason J.](#); [Nelson, Jeff](#)  
**Subject:** RE: Facebook v. BrandTotal - Request for Lead Counsel Meet and Confer  
**Date:** Wednesday, August 11, 2021 7:54:50 PM

---

**EXTERNAL SENDER**

Allison,

Thank you for providing that additional information. Regarding Facebook's intent to move to compel production of all source code versions, we have provided entries for versions of code from which Facebook can select representative versions it wishes to be produced. We have even provided two randomly picked entries so that Facebook can see the type of data to be produced. As we have previously shared, the entries identified as "browser-extension" or "panel collection" are the code for UpVoice, Ads Feed, and Who's Following Me. The entries identified as "mobile-collection" are the code for Phoenix and Social One. The entries we shared on August 6, 2021, are for the applications Story SaveBox and Anonymous Storyviewer. While we have tried to reach a compromise regarding this issue, Facebook has not proposed representative entries and is instead now demanding a production of all the source code. We do not understand the relevance or need for every version of code ever released or what information Facebook believes such production would reveal. Please be prepared to discuss Facebook's need for this information so that it can be evaluated against the burden of producing this information.

Separately, BrandTotal has already produced internal technical documents relating to the operation of BrandTotal's apps and extensions. There are no additional documents within BrandTotal's custody, possession, or control.

Finally, during the parties' July 14 meet and confer, BrandTotal proposed that it would produce data from 500 collections from each group of: (1) UpVoice, Ads Feed, Who's Following Me; (2) Phoenix; (3) Social One; and (4) Anonymous Storyviewer and Story SaveBox. Facebook responded that it would consider this counter-proposal. To date, we have not heard from Facebook regarding this counter-proposal.

Sincerely,

**Dustin L. Taylor**  
**Senior Associate Attorney**

**HUSCH BLACKWELL LLP**  
1801 Wewatta Street, Suite 1000  
Denver, CO 80202  
Direct: 303.749.7247  
Fax: 303.749.7272  
[Dustin.Taylor@huschblackwell.com](mailto:Dustin.Taylor@huschblackwell.com)  
[huschblackwell.com](http://huschblackwell.com)  
[View Bio](#) | [View VCard](#)

*Licensed in Colorado, Illinois, and Texas.*

---

**From:** Schultz, Allison <Allison.Schultz@wilmerhale.com>

**Sent:** Tuesday, August 10, 2021 1:50 PM

**To:** Taylor, Dustin <Dustin.Taylor@huschblackwell.com>; Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara <Kara.Fussner@huschblackwell.com>; Stauss, David <David.Stauss@huschblackwell.com>; Hauer, Ryan <Ryan.Hauer@huschblackwell.com>; karl@krinternetlaw.com; jeff@krinternetlaw.com

**Cc:** HB - BrandTotal <HB-BrandTotal@huschblackwell.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Burrell, Robin C. <Robin.Burrell@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>; Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff <JNelson@hunton.com>

**Subject:** RE: Facebook v. BrandTotal - Request for Lead Counsel Meet and Confer

Thanks, Dustin.

We have requested a lead counsel meet and confer because Facebook intends to move to compel production of all source code versions from BrandTotal and change logs. We have attempted to work with you at length on some sort of process to identify representative code samples, but are concerned with the delay and the lack of a satisfactory way for Facebook to ensure that it has end-to-end code and to identify representative code samples for production in such a way that we can know with confidence that we are seeing all relevant changes in the code over time. Your production on Friday does not address our concerns because it still fails to provide any means by which Facebook can identify for production particular versions of code for each of BrandTotal's apps and extensions. We will need more than just your email confirmations that you have not identified any changes to the scope of the code across versions, especially because BrandTotal's explanation of what is available has shifted over time.

Relatedly, on our call, we'll ask for you to confirm that BrandTotal will produce internal technical documents relating to the operation of its apps and extensions which is needed for our analysis of the source code. This would include software architecture documents, flow diagrams, or other internal documents that show the data flow or operation of the apps and extensions (e.g., concordance, internal wikis, etc.).

Separately, on Friday's call, we will want to follow up regarding the production, in response to RFP 27, of a sample of Facebook user data that BrandTotal has collected. Please be prepared to discuss how BrandTotal intends to ensure that any such sample includes and is representative of all apps and extensions and how that will be verified for evidentiary purposes.

Thanks,  
Allison

---

**From:** Taylor, Dustin <[Dustin.Taylor@huschblackwell.com](mailto:Dustin.Taylor@huschblackwell.com)>

**Sent:** Friday, August 6, 2021 9:35 PM

**To:** Schultz, Allison <[Allison.Schultz@wilmerhale.com](mailto:Allison.Schultz@wilmerhale.com)>; Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>; Stauss, David <[David.Stauss@huschblackwell.com](mailto:David.Stauss@huschblackwell.com)>; Hauer, Ryan <[Ryan.Hauer@huschblackwell.com](mailto:Ryan.Hauer@huschblackwell.com)>; [karl@krinternetlaw.com](mailto:karl@krinternetlaw.com); [jeff@krinternetlaw.com](mailto:jeff@krinternetlaw.com)

**Cc:** HB - BrandTotal <[HB-BrandTotal@huschblackwell.com](mailto:HB-BrandTotal@huschblackwell.com)>; Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>; Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; O'Laughlin, Andy <[Andy.OLaughlin@wilmerhale.com](mailto:Andy.OLaughlin@wilmerhale.com)>; Burrell, Robin C. <[Robin.Burrell@wilmerhale.com](mailto:Robin.Burrell@wilmerhale.com)>; Tillotson, Nancy <[Nancy.Tillotson@wilmerhale.com](mailto:Nancy.Tillotson@wilmerhale.com)>; Mortimer, Ann Marie <[amortimer@hunton.com](mailto:amortimer@hunton.com)>; Kim, Jason J. <[Kimj@hunton.com](mailto:Kimj@hunton.com)>; Nelson, Jeff <[JNelson@hunton.com](mailto:JNelson@hunton.com)>

**Subject:** RE: Facebook v. BrandTotal - Request for Lead Counsel Meet and Confer

**EXTERNAL SENDER**

Counsel,

We are available at that time. Please send an invitation to Rudy Telscher, Kara Fussner, and myself. If you can please provide any more detail regarding the subject of the meet and confer so that we may be better prepared to meaningfully confer regarding whatever concerns Facebook may have, we would sincerely, appreciate it.

Sincerely,

**Dustin L. Taylor**  
**Senior Associate Attorney**

**HUSCH BLACKWELL LLP**  
1801 Wewatta Street, Suite 1000  
Denver, CO 80202  
Direct: 303.749.7247  
Fax: 303.749.7272  
[Dustin.Taylor@huschblackwell.com](mailto:Dustin.Taylor@huschblackwell.com)  
[huschblackwell.com](http://huschblackwell.com)  
[View Bio](#) | [View VCard](#)

***Licensed in Colorado, Illinois, and Texas.***

---

**From:** Schultz, Allison <[Allison.Schultz@wilmerhale.com](mailto:Allison.Schultz@wilmerhale.com)>

**Sent:** Friday, August 6, 2021 1:30 PM

**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>; Stauss, David <[David.Stauss@huschblackwell.com](mailto:David.Stauss@huschblackwell.com)>; Hauer, Ryan <[Ryan.Hauer@huschblackwell.com](mailto:Ryan.Hauer@huschblackwell.com)>; Taylor, Dustin <[Dustin.Taylor@huschblackwell.com](mailto:Dustin.Taylor@huschblackwell.com)>; [karl@krinternetlaw.com](mailto:karl@krinternetlaw.com); [jeff@krinternetlaw.com](mailto:jeff@krinternetlaw.com)

**Cc:** HB - BrandTotal <[HB-BrandTotal@huschblackwell.com](mailto:HB-BrandTotal@huschblackwell.com)>; Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>; Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; O'Laughlin, Andy <[Andy.OLaughlin@wilmerhale.com](mailto:Andy.OLaughlin@wilmerhale.com)>; Burrell, Robin C. <[Robin.Burrell@wilmerhale.com](mailto:Robin.Burrell@wilmerhale.com)>; Tillotson, Nancy <[Nancy.Tillotson@wilmerhale.com](mailto:Nancy.Tillotson@wilmerhale.com)>; Mortimer, Ann Marie <[amortimer@hunton.com](mailto:amortimer@hunton.com)>; Kim, Jason J. <[Kimj@hunton.com](mailto:Kimj@hunton.com)>; Nelson, Jeff

<[JNelson@hunton.com](mailto:JNelson@hunton.com)>

**Subject:** Facebook v. BrandTotal - Request for Lead Counsel Meet and Confer

[EXTERNAL EMAIL]

Counsel,

We request a lead counsel meet and confer on the production of BrandTotal's source code pursuant to Judge Spero's standing order. We are available Friday, August 13 at 11am ET / 8 am PT. Please let us know if you are available at that time and we will circulate an invite.

Thanks,  
Allison

**Allison Schultz | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6088 (desk)  
+1 202 820-8054 (cell)  
[allison.schultz@wilmerhale.com](mailto:allison.schultz@wilmerhale.com)

**Please consider the environment before printing this email.**

---

This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com)—and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.